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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
July 22, 2008**

Present: Commissioners Lythgoe and Notbohm; Mike Hoffman, County Planner; Heather Powers, Solid Waste Department; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Charlene Hall, North Jefferson County Spay & Neuter Clinic; Dave Kirsch, Dennis Lay
Absent: Commissioner Weber

REPORTS

Receipt of June cash report from the Treasurer.

Receipt of June expense and revenue reports from the Clerk and Recorder.

CALENDAR REVIEW

7/24 CTAC - 8:00
Zoning Commission - 4:00
MTAG - 5:00
Solid Waste board - 7:00

COMMISSION REPORTS

DEPARTMENTAL BUDGETS

Commissioner Lythgoe reported that last week the Commissioners met with all departments to go over the budgets. There are a few minor budgets to still review, but they met with all of the Elected Officials and Department Heads. He stated that he was pretty impressed with how little over and above last year's budgets they were, especially considering the increase in fuel costs.

JLDC

Commissioner Lythgoe reported that he attended a JLDC meeting last Wednesday. The main topic of discussion was the budget, which was presented to the Commission on Thursday.

BIG DIPPER RSID

Commissioner Lythgoe reported that the previous night he met with residents of the Big Dipper
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Drive RSID/RMD. They had submitted a petition that the RMD be stopped. He noted that we are way beyond that point, as the bid has been awarded and the notice to proceed issued. There were some misunderstandings about what the RMD money is to be used for. A letter has been formatted that will go out explaining the outcome of the meeting. The contractor has also been asked to wait to start the project until this issue is resolved.

ASSESSMENTS

Commissioner Notbohm reported that a gentleman, Mr. Leiber, came in about a year ago, and he was in again last week. He owns property in the south end of the county, in the XL Heights area. He got into a lawsuit with them over some property issues, but in the meantime he discovered that a good part of the radio equipment is in Jefferson County. The Department of Revenue went up and assessed it, for the first time in probably 50 years. They haven't paid taxes in all of that time, to anyone – Silver Bow or Jefferson County. Commissioner Notbohm said that he and Mr. Leiber went down and talked to the Department of Revenue. Mr. Leiber maintains that there is much more property on the site than what is being assessed, and Jefferson County is losing money. Commissioner Notbohm stated that he checked with Bonnie and she suggested that we contact the Department of Revenue. If they owe taxes, we can go back seven years. Commissioner Notbohm will follow up on this.

CORRESPONDENCE

Commissioner Lythgoe read a letter to Town Pump requesting that they consider the request of the Boulder Horizons group to provide matching funds for the purchase of fuel vouchers for underfunded people to travel for health and social services. The Boulder Horizons group has \$400 to purchase fuel vouchers.

SUBDIVISION REVIEW

REQUEST FOR EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT – MEADOWLARK RIDGE MAJOR SUBDIVISION

Mike Hoffman, County Planner, presented a request for extension of the subdivision improvements agreement for the Meadowlark Ridge Major Subdivision. The current agreement expires July 24, 2008. The developer is requesting an extension until August 19, to complete the necessary road work. Commissioner Lythgoe stated that he remembers the presentation and the action taken previously. Mike stated that he has been on the site and it looks excellent; all that needs to be completed is the chip seal.

Commissioner Notbohm moved to grant the extension as requested. Commissioner Lythgoe seconded. The motion carried.

Dennis Lay stated that everything is done up there; the pump station is installed and working, the gravel is done, the seeding is completed, the weeds have been sprayed; they are just waiting for the chip seal. They locked in on the oil price earlier in the spring, with the caveat that the oil be

delivered when available.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS AND DECIDE ON GRANTING SOLID WASTE BOARD REQUEST TO CHANGE MEETING DAY AND TIME

Heather Powers, Solid Waste Department, stated that it has been discussed the day and time of Solid Waste meetings. Because of other commitments of some of the board members, they are having trouble getting a quorum for meetings. The board has discussed this and decided to change the meeting day from the fourth Thursday to the third Tuesday, and to change the time from 7:00 p.m. to 6:00 p.m. She noted that some of the board members have to travel to the meetings and are getting home quite late.

Commissioner Lythgoe stated that the board should look at the by-laws and consider removing the requirement for Commission approval to change the meeting day or time. This should be up to the board. Heather stated that she and Ray Barnicoat are working on revising the by-laws.

Commissioner Notbohm moved to grant permission to the Solid Waste Board to change their meeting date and time. Commissioner Lythgoe seconded. The motion carried.

Commissioner Lythgoe stated that he talked to people on the fire earlier in the day. There were two articles in local papers today; the *Montana Standard* stated that the fire was contained; the *Independent Record* reported that the fire was 60-65% contained. He called the fire personnel and it is about 65% contained. They did have some 40 MPH winds last night and caused the fire to jump one of the lines, but that was quickly brought back into control. Commissioner Notbohm asked if they have said how the fire started. Commissioner Lythgoe stated that he is getting conflicting reports; he has heard both that they don't know how it started and that it was a lightning strike on a steel power line support, causing sparks. They are fairly confident that they will have the fire mopped up this week, unless something dramatic happens.

PUBLIC HEARING – PETITION FOR ANNEXATION INTO THE JEFFERSON VALLEY RURAL FIRE DISTRICT

Commissioner Lythgoe called the hearing to order and called for comments. He stated that the Commission has received a petition for adjacent land to be annexed into the Jefferson Valley Rural Fire District. The petition has been certified by the Clerk and Recorder. Commissioner Lythgoe read the legal description of the land to be annexed, which is all down in the Whitehall area. Hearing no comments, he closed the public hearing.

RESOLUTION 28-2008 ANNEX ADJACENT TERRITORY INTO THE JEFFERSON VALLEY RURAL FIRE DISTRICT

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 28-2008

**RESOLUTION ANNEXING ADJACENT TERRITORY TO THE
JEFFERSON VALLEY RURAL FIRE DISTRICT**

WHEREAS, pursuant to § 7-33-2125, MCA, the Board of County Commissioners received a petition requesting the annexation of certain lands adjacent to the Jefferson Valley Rural Fire District in Jefferson County. The matter having been published legally on July 2 and July 9, 2008 and now this matter having come before the Board of County Commissioners of Jefferson, Montana for hearing on July 22, 2008 at 2:00 pm; with said Board of County Commissioners having held an open meeting, heard statements and evidence and having reviewed the Petition and various other documents and maps; and with the said Board of County Commissioners being duly advised in the premises; and,

WHEREAS, the Board of County Commissioners of Jefferson County, Montana, has received a written Petition, signed by fifty percent (50%) or more of the owners of the area of privately owned lands proposed to be annexed, seeking the annexation to the Jefferson Valley Rural Fire District of adjacent lands; and that said Petition appears to be in proper form and free from legal defect in all respects; and,

WHEREAS, the area subject to the said Petition constitutes lands adjacent to the existing Jefferson Valley Rural Fire District that said area and lands are not already part of any fire district; and,

WHEREAS, the area of adjacent lands, subject to the Petition, are described in Exhibits "A" and "B" hereto, which exhibits are by this reference incorporated in these Findings and made a part hereof; and that Exhibit "B" includes a map of the area as an attachment; and,

WHEREAS, the Clerk and Recorder of Jefferson County, has examined said Petition and has determined that the same has been signed by the owners of fifty percent (50%) or more of the said area of adjacent, privately owned lands; and the said Clerk and Recorder has further certified to this Board of County Commissioners that the signers of the Petition constitute a majority of the taxpaying freeholders, within such area, whose names appear on the last completed assessment roll; and,

WHEREAS, the said Petition has been presented to the Board of Trustees of the Jefferson Valley Rural Fire District and has been approved by said Trustees; and that said

Trustees are willing and able to provide fire protection services to the area subject to the Petition; and,

WHEREAS, due and proper notice of the hearing of said Petition, was duly published in the *Whitehall Ledger*, the newspaper designated by the Jefferson County Board of County Commissioners, respectively, for the publication of legal notices, in the manner required by law; and,

WHEREAS, the Board of County Commissioners has received no written protest petition, nor any other written or oral objections to the proposed annexation of adjacent lands; and,

WHEREAS, pursuant to § 7-33-2125, MCA, the annexed territory is required to become liable for outstanding warrants and/or bonded indebtedness, if any, of the original district.

NOW, THEREFORE, on the basis of the foregoing findings, this Board of County Commissioners of Jefferson County, Montana, hereby resolves:

- A. That this Board of County Commissioners has jurisdiction over the subject Petition and over these proceedings.
- B. That the area described in Exhibits “A” and “B” (including the map) which are adjacent to the existing Jefferson Valley Rural Fire District, ARE ANNEXED to the said Jefferson Valley Rural Fire District.
- C. That, hereafter, at all times and for all purposes, the Jefferson Valley Rural Fire District shall comprise and include not only those lands presently included within said Fire District’s boundaries, but also all of the privately owned lands described in Exhibits “A” and “B” hereto.
- D. That such annexed lands and territory shall be hereafter liable for any outstanding warrants and any bonded indebtedness of the original Jefferson Valley Rural Fire District per statutory requirements.

DATED this 22nd day of July, 2008.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

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KEN WEBER, CHAIR

CHUCK NOTBOHM, COMMISSIONER

TOM LYTHGOE, COMMISSIONER

Commissioner Notbohm moved to adopt Resolution 28-2008. Commissioner Lythgoe seconded. The motion carried.

Commissioner Lythgoe called for a recess, until the next time-specific agenda item.

REQUEST FOR FUNDS FOR SPAY/NEUTER CLINIC

Charlene Hall stated that a letter had previously been submitted. They have had three very successful clinics in Boulder, where 250 animals were spayed or neutered. To successfully continue, they would like to have a clinic in the spring and again in the fall. They are also requesting funds from the City of Boulder and continue with fund raising. Commissioner Lythgoe asked if they have received money from the City of Boulder. Charlene stated that they have submitted a request to be considered in their budget. Commissioner Lythgoe asked if they have gotten any money from the City in the past. Charlene stated that they have made previous requests, but they were told that the budget had already been finalized. The City received the same request that they are presenting to the Commission today. Commissioner Lythgoe noted that the submission of their request is timely, as the County is currently in the budget process.

Commissioner Notbohm moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER